



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,623	03/17/2004	Alok Kumar Srivastava	OI7030492001	5813
23639 7590 04/27/2009 BINGHAM MCCUTCHEEN LLP Three Embarcadero Center San Francisco, CA 94111-4067				
EXAMINER				
NGUYEN, PHILLIP H				
ART UNIT		PAPER NUMBER		
2191				
MAIL DATE		DELIVERY MODE		
04/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,623

Applicant(s)

SRIVASTAVA ET AL.

Examiner

Phillip H. Nguyen

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date 03262009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed 2/9/2009.
2. Claims 1-43 remain pending in this application with claims 1, 18, 27, and 32-35 amended, and claims 36-43 new.

Response to Arguments

3. Applicant's arguments with respect to claim 2/9/2009 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 32 and 34 recite means (or step) plus function limitations that invoke 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed functions such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function. Since no other specific structure, material, or acts for performing the cited functions disclosed in the specification, the claims have not invoked 35 U.S.C. 112 6th Paragraph when considered below.

Applicants are required to:

- (a) Amend the claims so that the claim limitations will no longer be means (or step) plus function limitations under 35 U.S.C. 112, sixth paragraph; or

Art Unit: 2191

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed functions without introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed functions. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-31, 34, 35, and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgoon (USPN 5,706,510), in view of Earl et al. (USPN 6,966,058).

As per claims 18, 34, and 35, Burgoon teaches:

creating a first version of a shared file (see at least FIGS. 2-3 "**construct a shared file system comprising a plurality of file versions**" – this includes first version, second version, third version, etc.);

creating a second version of a shared file (see at least FIGS. 2-3

"construct a shared file system comprising a plurality of file versions" – this includes first version, second version, third version, etc.);

creating a first private symbolic link to reference the first version of the shared file (see at least col. 4:25-27 **"...wherein each of the created files 436-442 is a symbolic link corresponding to a file version 302-308 in the shared file system 104"**), *the first private symbolic link comprising link criteria that designates that members in a first group are authorized to use the first private symbolic link* (see also at least FIGS. 2-4 **"create a plurality of symbolic links under the directory hierarchies of the plurality of user file systems"** – the symbolic links are created for member user only), *wherein the first private symbolic links are used to perform the upgrade in the computing system* (see at least col. 43:33-39 **"ZHMS allows a user to create symbolic links to files in a shared file system. A single link is created for each file. A local zymklink to the shared file system may be updated via the zupdate command. Rather than selectively update individual files, a user simply zupdates (i.e. zymklink) whole trees of files..."**);

creating a second private symbolic link to reference the second version of the shared file (see at least col. 4:25-27 **"...wherein each of the created files 436-442 is a symbolic link corresponding to a file version 302-308 in the shared file system 104"**), *the second private symbolic link only applying to members of a second group associated with the second private symbolic link,*

Art Unit: 2191

(see at least FIGS. 2-4 **"create a plurality of symbolic links under the directory hierarchies of the plurality of user file systems"**); and

storing the first private symbolic link and/or the second private symbolic link in a volatile or non-volatile computer usable medium or displaying the first private symbolic link and/or the second symbolic link on a display device (see at least col. 3:1-3 **"A plurality of symbolic links are stored as files in the directory hierarchies comprising any of the plurality of user file systems"**).

Burgoon does not explicitly teach:

*performing the rolling upgrade in the computing system; and
wherein the authorized members in the first group and second group are upgraded in a staggered manner.*

However, Earl teaches

Performing the rolling update in the computing system (see at least col. 2:39-43 **"performing the rolling upgrade process by sequentially loading and rebooting each of the plurality of nodes with the new software release; and ensuring that the plurality of fault-tolerant services remains available throughout the rolling upgrade process"**).

wherein the authorized members in the first group and second group are upgraded in a staggered manner (rolling upgrade process is performed in a staggered manner (i.e. updating one member at a time)).

Art Unit: 2191

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Burgoon to incorporate the teaching of Earl to use the symbolic links in Burgoon to perform the rolling upgrade. The modification would have been obvious to one having an ordinary skill in the art because it would provide the user more free memory spaces.

As per claim 19, the rejection of claim 18 is incorporated, Burgoon teaches:

the first and second versions of the shared file are web pages (see at least **FIGS. 3**).

As per claims 20, the rejection of claim 19 is incorporated, Burgoon teaches:

members of a first group are entities operating a first browser application and members of the second group are entities operating a second browser application (**the user file systems are logically separated. Therefore, they operate different browser application**).

As per claim 21, the rejection of claim 18 is incorporated, Burgoon teaches:

the first symbolic link has a link criteria that defines the membership of the members of the first group associated with the first symbolic link (see at least **FIG. 4 "USER1/PROJECT/...USER_A3"**).

As per claim 22, the rejection of claim 21 is incorporated, Burgoon teaches:

Art Unit: 2191

the link criteria identifies a member to create a member private symbolic link (see at least col. 23:18-19 "**...local_dir is a privately owned directory 344 in a user's file system**").

As per claim 23, the rejection of claim 21 is incorporated, Burgoon teaches:

the link criteria identifies an application version number (see at least **FIG. 4** "**.../USER_A3 – FILE_A3**").

As per claim 24, the rejection of claim 21 is incorporated, Burgoon teaches:

the first group comprises multiple entities as members (see at least **FIG. 1** "**USER1, USER2...**").

As per claim 25, the rejection of claim 21 is incorporated, Burgoon teaches:

the first symbolic link provides a reference for a specific pathname (see at least **FIG. 4**).

As per claim 26, the rejection of claim 21 is incorporated, Burgoon teaches:

the first symbolic link provides a reference for a directory (see at last **FIG. 4**).

As per claims 27, the rejection of claim 18 is incorporated, Burgoon teaches:

the first private symbolic references a first private copy of the first version of the shared file and the second private symbolic link references a second

Art Unit: 2191

private copy of the second version of the shared file (see at least col. 5:10-11

"the correspondence of symbolic links 436-442 and file versions 302-308 being based on a map entry 352").

As per claim 28, the rejection of claim 18 is incorporated, Burgoon teaches:

wherein both the members of the first group and members of the group simultaneously operate different versions of the one or more shared files (see at least **FIG. 4 – "FILE_A2, FILE_B2..."**).

As per claim 29, the rejection of claim 18 is incorporated, Burgoon teaches:

one or more copies exist for each version of the one or more shared files (see at least **FIG. 4 – "FILE_A2, FILE_B2..."**).

As per claim 30, the rejection of claim 18 is incorporated, Burgoon teaches:

creating a direct object reference for the members of the first group to the first version of the shared file (see at least **FIG. 2 "create a plurality of symbolic links under the directory hierarchies of the plurality of user file systems"**).

As per claim 31, the rejection of claim 30 is incorporated, Burgoon teaches:

the direct object reference is automatically created by removing the first private symbolic link (see at least col. 27:38-39 **"The symbolic link 436 is then replaced with the requested physical file"**).

Art Unit: 2191

As per claim 40, the rejection of claim 34 is incorporated, Burgoon teaches:

the first and second versions of the shared file are web pages (see at least **FIGS. 3**).

As per claims 41, the rejection of claim 34 is incorporated, Burgoon teaches:

the first private symbolic references a first private copy of the first version of the shared file and the second private symbolic link references a second private copy of the second version of the shared file (see at least col. 5:10-11 **"the correspondence of symbolic links 436-442 and file versions 302-308 being based on a map entry 352"**).

As per claim 42, the rejection of claim 35 is incorporated, Burgoon teaches:

the first and second versions of the shared file are web pages (see at least **FIGS. 3**).

As per claims 43, the rejection of claim 35 is incorporated, Burgoon teaches:

the first private symbolic references a first private copy of the first version of the shared file and the second private symbolic link references a second private copy of the second version of the shared file (see at least col. 5:10-11 **"the correspondence of symbolic links 436-442 and file versions 302-308 being based on a map entry 352"**).

Art Unit: 2191

7. Claims 1-13, 15-17, 32, 33, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dervin et al. (USPN 7,130,897), in view of Burgoon (USPN 5,706,510).

As per claims 1, 32, and 33, Dervin teaches:

creating a second version of the shared file (see at least col. 9:2-3 "a new cluster version may be "rolled out" among members of the cluster");

bringing down a first member, wherein a second member is not brought down while the first member is down (see at least col. 9:2-17 "In embodiments consistent with the present invention, a new cluster version may be "rolled out" among members of the cluster, one node at a time (e.g., one node is taken down, a new cluster version installed, and the node brought back into the cluster). Moreover, by using the existing member management functionality in a clustered computer system, members are automatically removed from and returned to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...It will be further appreciated that although the individual nodes have gone down during this process, the cluster and group in the cluster as a whole have not, thus the availability of the system is maintained throughout"), wherein the first member and the second member are located on a same node of the computing system (see at least col. 7:65 "The CCTL group members resident on each respective node");

bringing up the first member so that the first member references the second version of the shared file (col. 9:2-17 "... members are automatically removed (i.e. bringing down) from and returned (i.e. bringing up) to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout..."), wherein the first and second members are upgraded in a staggered manner (members of a node are updated sequentially one at a time)

Dervin does not explicitly teach

using a processor to generate a private symbolic link for the first member to reference the second version of the shared file, the private symbolic link comprising link criteria that designates that the first member of the group is authorized to use the private symbolic link, wherein the private symbolic link is used to perform the upgrade in the computing system.

However, Burgoon teaches an analogous art of:

using a processor to generate a private symbolic link for the first member to reference the second version of the shared file (see at least col. 4:25-27
"...wherein each of the created files 436-442 is a symbolic link corresponding to a file version 302-308 in the shared file system 104"), the private symbolic link comprising link criteria that designates that the first member of the group is authorized to use the private symbolic link (see at last FIGS. 2-3
"create a plurality of symbolic links under the directory hierarchies of the

plurality of user files systems"), wherein the private symbolic link is used to perform the upgrade in the computing system (see at least col. 43:33-39 "ZHMS allows a user to create symbolic links to files in a shared file system. A single link is created for each file. A local zymlink to the shared file system may be updated via the zupdate command. Rather than selectively update individual files, a user simply zupdates (i.e. zymlink) whole trees of files...");

storing the private symbolic link in a volatile or non-volatile computer usable medium or displaying the private symbolic link on a display device (see at least col. 3:1-3 "A plurality of symbolic links are stored as files in the directory hierarchies comprising any of the plurality of user file systems")

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Dervin to incorporate the teaching of Burgoon to use symbolic links for rolling upgrade. The modification would have been obvious to one having an ordinary skill in the art because it would provide the user with more free memory spaces.

As per claim 2, the rejection of claim 1 is incorporated, Dervin teaches:

bringing down the second member, wherein the first member is not brought down while the second member is down (see Dervin col. 9:2-17 "... members are automatically removed (i.e. bringing down) from and returned (i.e. bringing up) to a group whenever a node is taken down and brought

Art Unit: 2191

back into the cluster, yet the group remains in an active state throughout..."); and

bringing up the second member (see Dervin col. 9:2-17 "**... members are automatically removed** (i.e. bringing down) **from and returned** (i.e. bringing up) **to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...**").

Dervin does not explicitly teach

creating a second private symbolic link for the second member to reference the second version of the shared file.

However, Burgoon teaches

creating a second private symbolic link for the second member to reference the second version of the shared file (see Burgoon at least FIGS. 2-3 "**create a plurality of symbolic links under the directory hierarchies of the plurality of user files systems**");

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Dervin to incorporate the teaching of Burgoon to use symbolic links for rolling upgrade. The modification would have been obvious to one having an ordinary skill in the art because it would provide the user with more free memory spaces.

Art Unit: 2191

As per claim 3, the rejection of claim 2 is incorporated, Burgoon teaches:

the private symbolic link and the second symbolic link are the same, and wherein both the first and second members are members of the group associated with the private symbolic link (see at least **FIGS. 1-4**).

As per claim 4, the rejection of claim 2 is incorporate, Dervin teaches:

removing the first version of the shared file (see Dervin at least col. 9:3-5
“...a new cluster version may be “rolled out” among members of the cluster, one node at a time (e.g., one node is taken down, a new cluster version installed – members are taken down for removing the first version).

As per claim 5, the rejection of claim 2 is incorporated, Burgoon teaches:

the private symbolic link for the first member references a first private copy of the second version of the shared file and the second private symbolic link for the second member references a second private copy of the second version of the shared file (see at least **FIGS. 1-4**).

As per claim 6, the rejection of claim 2 is incorporated, Burgoon teaches:

the private symbolic link for the first member and the second private symbolic link for the second member references the same copy of the second version of the shared file (see at least **FIG. 4**).

As per claim 7, the rejection of claim 1 is incorporated, Dervin teaches:

bringing up the second member so that the second member references the third version of the shared file, wherein both the first member and the second member simultaneously operate different versions in the computing system (see Dervin col. 9:2-17 "... members are automatically removed (i.e. bringing down) from and returned (i.e. bringing up) to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...").

Dervin does not explicitly teach

bringing down the second member, wherein the first member is not brought down while the second member is down;

creating a second private symbolic link for the second member to reference a third version of the shared file.

However, Burgoon teaches

bringing down the second member, wherein the first member is not brought down while the second member is down (see Dervin col. 9:2-17 "... members are automatically removed (i.e. bringing down) from and returned (i.e. bringing up) to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout..."); and

creating a second private symbolic link for the second member to reference a third version of the shared file (see Burgoon at least FIGS. 2-3

Art Unit: 2191

"create a plurality of symbolic links under the directory hierarchies of the plurality of user files systems").

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Dervin to incorporate the teaching of Burgoon to use symbolic links for rolling upgrade. The modification would have been obvious to one having an ordinary skill in the art because it would provide the user with more free memory spaces.

As per claim 8, the rejection to claim 1 is incorporated, Burgoon teaches:

one or more copies exist for each version of the computer application (see at least FIG. 4 "FILE_A3, FILE_B2...").

As per claim 9, the rejection of claim 1 is incorporated, Burgoon teaches:

the private symbolic link comprises a property that identifies a link criteria (see at least FIG. 4 "/USER1/PROJECT/...USER_A3...").

As per claim 10, the rejection of claim 9 is incorporated, Burgoon teaches:

the link criteria comprises a member identifier (see at least FIG. 4 "/USER1/...").

As per claim 11, the rejection of claim 1 is incorporated, Burgoon teaches:

Art Unit: 2191

*creating a direct object reference for the first member to the second version of the shared file (see at least **FIGS. 2-4**).*

As per claim 12, the rejection of claim 11 is incorporated, Burgoon teaches:

*the direct object reference is automatically created by removing the private symbolic link (see at least col. 27:38-39 "**The symbolic link 436 is then replaced with the requested physical file**").*

As per claim 13, the rejection of claim 1 is incorporated, Dervin teaches:

*bringing down the second member, wherein the first member is not brought down while the second member is down (see Dervin col. 9:2-17 "... **members are automatically removed (i.e. bringing down) from and returned (i.e. bringing up) to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...**"; and*

*bringing up the second member (see Dervin col. 9:2-17 "... **members are automatically removed (i.e. bringing down) from and returned (i.e. bringing up) to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...**").*

Dervin does not explicitly teach

creating a second private symbolic link for the second member to reference the third version of the shared file; and

creating a third version of the shared file.

However, Burgoon teaches

creating a third version of the shared file (see Burgoon at least FIGS. 2-4
"construct a shared file system comprising a plurality of file versions"); and
*creating a second private symbolic link for the second member to
reference the third version of the shared file* (see Burgoon at least FIGS. 2-4
**"create a plurality of symbolic links under the directory hierarchies of the
plurality of user file systems"**).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Dervin to incorporate the teaching of Burgoon to use symbolic links for rolling upgrade. The modification would have been obvious to one having an ordinary skill in the art because it would provide the user with more free memory spaces.

As per claim 15, the rejection of claim 1 is incorporated, Burgoon teaches:

the private symbolic link is private to a member (see at least col. 23:18-19
"...local_dir is a privately owned directory 344 in a user's file system")).

As per claim 16, the rejection to claim 1 is incorporated, Dervin teaches:

*the act of bringing down the first member comprises: shutting down a
computer application at a node associated with the first member* (see Dervin col.

Art Unit: 2191

9:2-17 "... **members are automatically removed** (i.e. bringing down or shutting down) **from and returned** (i.e. bringing up) **to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...**").

As per claim 17, the rejection of claim 1 is incorporated, Dervin teaches:

the first member still executes the first version of the computer application concurrently with the second member executing the new version of the computer application (see Dervin col. 9:2-17 "... **members are automatically removed** (i.e. bringing down) **from and returned** (i.e. bringing up) **to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...**" – This indicates that the member(s) that removed and returned to the group is executed the new version while the member(s) that not yet removed and returned to the group is still executed the first version of the application).

As per claim 36, the rejection of claim 32 is incorporated, Burgoon teaches:

the private symbolic link is private to a member (see at least col. 23:18-19 "...**local_dir is a privately owned directory 344 in a user's file system**").

As per claim 37, the rejection of claim 32 is incorporated, Dervin teaches:

the first member still executes the first version of the computer application concurrently with the second member executing the new version of the computer

Art Unit: 2191

application (see Dervin col. 9:2-17 "... **members are automatically removed** (i.e. bringing down) **from and returned** (i.e. bringing up) **to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...**" – This indicates that the member(s) that removed and returned to the group is executed the new version while the member(s) that not yet removed and returned to the group is still executed the first version of the application).

As per claim 38, the rejection of claim 33 is incorporated, Burgoon teaches:

the private symbolic link is private to a member (see at least col. 23:18-19 "...**local_dir is a privately owned directory 344 in a user's file system**").

As per claim 39, the rejection of claim 33 is incorporated, Dervin teaches:

the first member still executes the first version of the computer application concurrently with the second member executing the new version of the computer application (see Dervin col. 9:2-17 "... **members are automatically removed** (i.e. bringing down) **from and returned** (i.e. bringing up) **to a group whenever a node is taken down and brought back into the cluster, yet the group remains in an active state throughout...**" – This indicates that the member(s) that removed and returned to the group is executed the new version while the member(s) that not yet removed and returned to the group is still executed the first version of the application).

Art Unit: 2191

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dervin et al. (USPN 7,130,897), in view of Burgoon (USPN 5,706,510), and in further view of Earl et al. (USPN 6,966,058).

As per claim 14, the rejection of claim 1 is incorporated, Dervin does not explicitly teach

copying the shared file; and

patching the shared file to create the second version.

However, Earl teaches:

copying the shared file (see at least col. 6:15-16 “**copying the software from the first machine on which it is installed to the others**”); and

patching the shared file to create the second version (see at least col. 6:19-20 “**new software releases, which may include software patches...**”).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the teaching of Dervin to incorporate the teaching of Earl to copy the shared file and patching the shared file to create a second version. The modification would have been obvious because it would allow the user to store a copy for backup in case the updating fails.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
4/15/2009
/Wei Y Zhen/
Supervisory Patent Examiner, Art Unit 2191